

No.19-8684

In The Supreme Court Of The United States

BRIAN DAVID HILL,
Petitioner,

vs.

UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF NORTH CAROLINA

LETTER ADDRESSED TO THE HONORABLE JUSTICE
CLARENCE THOMAS – Dated September 15, 2020

Brian David Hill
Pro Se

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Friend of justice



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URGENT

-Important-
Please read
before Conference
on Sept. 29,
2020

Dear Honorable Justice Clarence Thomas,

Note: Please file this on Docket for case no. 19-8684, I beg of the Chamber Clerk to file this letter on Docket in the case file in PDF Format, please make this letter available on the internet as my mother will be emailing a copy of this letter to the Justice for Brian D. Hill Blogmaster. Thank You!

I am writing this letter to you in reference to case no. 19-8684, entitled: Brian David Hill v. United States District Court for the Middle District of North Carolina. This petition should be granted, here is reasons why.

I have proven my case, I have proven my claims. Under the Local Court Rules concerning civil cases which encompasses the 2255 Cases, the other party in a case has three weeks to respond to a motion or it is uncontested. Assistant United States Attorney Anand Prakash Ramaswamy did not respond to a single allegation of Fraud upon the Court against him in those motions in the district court record. It is only by Deep State corruption and fiat that I lose. In a legitimate Article III Court I should never have been convicted.

The emotional stigmatization surrounding the charge or the elements of such charge should not apply to this case or any criminal case within our Federal Courts. Every criminal defendant deserves all Constitutional rights including the right to a fair trial, effective counsel, that it is assumed that the prosecutor is not defrauding the court but upon any evidence of fraud surfacing that any judgment in favor of the prosecutor should be reversed, the right to an impartial tribunal and impartial judge, and the other Constitutional rights affirmed by this U.S. Supreme Court by controlling/persuasive case law precedent in the past.

It doesn't matter whether you are conservative or liberal. The Constitutional rights in jeopardy in this case affects not just Brian David Hill but also former Lt. General Michael Thomas Flynn who also had falsely plead guilty to his charges to protect his son from the Mueller witchhunt where evidence could have been fabricated against Flynn's son unless Flynn falsely pleads guilty then would be directed to make up lies against U.S. President Donald John Trump which would have been perjury and obstruction of justice. I had already provided multiple affidavits/declarations to the U.S. District Court years ago and in the 2255 case and FOIA lawsuit in another Federal District Court referenced in the 2255 case with the exact same U.S. Attorney Office in the Middle District of North Carolina involved in that FOIA lawsuit in Virginia as to why I had falsely plead guilty. I also explained that I had falsely confessed because Charles J. Caruso of Mayodan Police Department said that if I did not fess up then my mother would be held responsible. I reacted the exact same way as Michael Thomas Flynn of the Trump Administration did, falsely admit guilt to protect a family member which is the very heart of coercion and non-voluntary admissions of guilt. That in itself is entirely fraudulent, a fraudulent guilty plea does not make a fraudulent case by a Federal Prosecutor any more valid than a pyramid scheme fraud or wire fraud.

The decisions made in this Supreme Court affect all parties, both conservative and liberal, as well as independent or anybody who is citizen of this republic, the United States of America.

Here is the major concerns that will make the American people hate our judicial system and no longer recognize it was having integrity and honesty. **A Court of Appeals has allowed multiple frauds upon the court and a judge refusing to act upon pending motions that were unopposed on the record in the U.S. District Court where those motions were filed. Those motions should have been granted by default as they did have valid evidence and was well-grounded in law and authoritative case law as far as this Supreme Court.** That is an excess of jurisdiction and a deprivation of due process under the Fifth Amendment of the United States Constitution. If motions filed by

Brian Hill can be ignored while other motions that were filed by Brian Hill were acted upon by the usual denial or granting of the motion, then such decision cannot be appealed directly because no decision had ever made on such a motion. Appeals can only be filed as a motion has been acted upon, that is a legal fact throughout legal history. Writ of Mandamus is appropriate as a vehicle for an inaction by a responsible judicial officer of the federal judiciary branch. Such inactions will prompt any and every Federal Court to just sit on motions and never act upon them. That right there deprives a party of due process of law, depriving them of their Fifth Amendment protections that were well-settled in past decisions that were decided by this very Court, essentially taking away enforcement power from the Supreme Court. That means the District Court and Courts of Appeals can treat your Court like it is illegitimate to subvert your Court's authority and can act above and beyond the law throughout case law history, essentially tribunals that ignore the Supreme Court and subvert the decisions of the Supreme Court, this is very dangerous to our constitutional republic. Ignoring evidence and ignoring motions completely sends a message that justice cannot be obtained through the lawful process of the judicial system, which can lead to anarchy and insurrection against the Government, it is a broken process with no rule of law. It can lead to a disrespect of law as well as disrespect against its enforcers. It is what can lead to demonstrations which can escalate to riots that Black Lives Matter and ANTIFA had demonstrated even when they attack any and every average citizen as well as attacking elderly and kids through violent raging mobs, because they feel that the system they relied upon had failed them and that the courts cannot be a peaceful means to achieve justice for an injustice or a repeated injustices that continue happening unabated. It is very important that this case be reviewed over and scrutinized to the details and the merits of this very case. This Petition for Writ of Certiorari is not a time waster and does present a very critical and substantial issues that has not been widely demonstrated for such a need to create new case law precedent.

It is on record in the U.S. Court of Appeals for the Fourth Circuit in the attempted Petition for Writ of Mandamus that the U.S. Attorney did not file any timely response to the allegations against them including Assistant U.S. Attorney Anand Prakash Ramaswamy. The allegations that they defrauded the court and that it should have been considered when those motions were uncontested even well beyond after the three week response deadline. Assistant U.S. Attorney Anand Prakash Ramaswamy is flaunting that they can do whatever they please, they cannot be held accountable to any law or rule that is enforced upon me, and don't have to give me my Constitutional rights. Yeah I am sure that they did not like what was brought out in all of those motions and they did not state that they were in favor of those uncontested motions, but when they do not file any pleading opposing such motions, they are normally considered uncontested and if the facts as well as the law are enough then the Judge should have moved to grant those unopposed motions in their normal course of action by the Court.

It is fraud, deception, or a reckless disregard for the truth for the United States Attorney aka an officer of the court to have ever allowed any kind of fraud or contradictions of fact to plague a criminal prosecution presented by their own attorneys which are all licensed officers of the court. Michael Thomas Flynn on record in his case United States v. Michael Thomas Flynn, case no. 1:17-cr-00232, falsely plead guilty to protect his son when faced with possible duress of them coming after his son. Then later on evidence surfaces which draws his criminal case into serious question as to whether the federal prosecution ever had a legitimate prosecution against Lt. General Michael Flynn or simply defrauded the Court then coerced Flynn to falsely plead guilty in an attempt to make President Trump look bad politically. That means he plead guilty to a possibly fraudulent charge which never should have even been filed to begin with. Even if his false guilty plea could technically be perjury under the Federal Criminal Rules, if the fraudulent charge was never filed then Michael Flynn never would have falsely plead guilty thus the perjury was induced by a fraudulent prosecution in the first place. It was never valid to begin with but Michael Flynn did not know any of

that information at the time he was pressured to falsely plead guilty, just like in the case of Brian David Hill.

In the case of Brian David Hill, Brian falsely plead guilty due to ineffective counsel and then later on Brian was able to slowly prove that the prosecution's charge was based on fraudulent pretenses. A false guilty plea, false confession, and a questionable forensic report by the North Carolina State Bureau of Investigation. A 2255 motion was filed and a ton of evidence in support of it highlighting many different questionable issues that draws the entire criminal case into serious question, just like the issues that came up later in Michael Flynn's case after falsely pleading guilty. If the case was based upon fraudulent pretenses in any way from the very beginning, then it is on the basis of a rotten foundation like wood that is plagued with rotting or termites. The wood may look good on the surface but is plagued with termites or rot from the very structure that eventually does not support its own weight, and collapses at a later time. Brian's entire criminal case has rot and termites throughout the elements of this case. It is a structural defect in the case as Eric Clark of Kansas had informed me that it was in his own legal opinion. The original charge may have been supported by a Grand Jury indictment, but the Grand Juries are always rumored that they would indict a ham sandwich, no pun intended. Evidence before a Grand Jury is all presented one-sided so if it is fraudulent then the Grand Jury doesn't normally have any reason to suspect such in their normal duties. If the evidence that looks legitimate was later found out that it may not have represented the guilt that it was intended to appear as such, that it may not prove somebody guilty, then it is a case founded upon fraud, a wooded structure such as a house founded upon rot and termites. Again, as I have demonstrated with this example, wood being eaten by termites may look good on the surface of a house or other wooden structure until the whole house collapses one day from the rot and termite damage from within the wood and the foundations of the house are out of course. With the 2255 brief / memorandum of law and other evidence applied later, Brian was able to demonstrate that his original confession had false statements which may have been caused by coercion against his Autism but his

own court appointed lawyer failed or refused to even have a mental evaluation over the element of his false confession and whether coercion had caused such with his documented mental disability issues. With cross examination, Brian was able to prove that his confession statements were false like for example that he said he had child pornography in a Netbook that they never got, and they seized it on the day of his confession. That netbook was found to have contained no suspected child pornography. **Brian also said for "about a year or so". It had started on July 20, 2012, was seized on August 28, 2012, and then it reportedly continued downloading until July 28, 2013, from the SBI forensic report by Special Agent Rodney V. White.** So his confession statement on that was forensically proven false even from their own questionable forensic report. There was no affidavit on the supposed Agent's forensic expertise. The Agent never showed his computer expertise, his credibility, and never demonstrated any evidence that each and every file of interest was of child pornography. Never demonstrated the security of the chain of custody and never demonstrated whether the forensic procedures were appropriately followed to the absolute letter of the law. The three "motions for sanctions" had allegations of fraud upon the court on the record and the U.S. Attorney did not file any three week responsive pleadings to each motion asking for sanctions against the Government. The U.S. Attorney did not file any responsive pleading to Brian Hill's objections. Citing Doc. #213 "Objection by BRIAN DAVID HILL re 210 Recommended Ruling - Magistrate Judge re 168 MOTION filed by BRIAN DAVID HILL, 153 MOTION to Appoint Attorney filed by BRIAN DAVID HILL, 141 MOTION to Dismiss Motion to Vacate, Set Aside, or Correct Sen (Attachments: # 1 Envelope - Front and Back)(Butler, Carol) (Entered: 11/04/2019)". The Clerk's letter directed that the other party have time to file a responsive pleading after they were served with copy of the objections electronically. The U.S. Attorney did not file any responsive pleadings to that either when the objections also made some brief allegations of fraud against the United States Attorney for the Middle District of North Carolina.

Brian had proven his case of fraud upon the court in multiple instances. Silence in the court system is usually consent when given a reasonable opportunity to respond to such allegations. When the Government had multiple opportunities to respond and they know the deal, they know the rules. When they had multiple opportunities to respond to any allegations of fraud and they do not respond on the record then they have not contested to the claims as well as the request for relief in any of those pleadings. Relief should have been offered and given by the U.S. Court of Appeals in response to the Writ of Mandamus filed by Petitioner Brian David Hill or given by the U.S. District Court in response to the Writ of Mandamus filed by Petitioner Brian David Hill or even in response to the unopposed motions for sanctions filed by Brian David Hill.

Attorney Sidney Powell had recently made a statement on Fox News on television with Lou Dobbs in regards to the Michael Flynn case. She and/or Lou Dobbs said that the Court of Appeals had essentially allowed the District Court to play Prosecutor and continue the prosecution of the criminal case against Flynn even when the U.S. Attorney decides to close the criminal case that they had originally prosecuted. The District Court does not have the role of playing prosecutor and that role is exclusively given to the plaintiff who files a complaint, who files information, or who files an indictment request to a Grand Jury. A federal judge is not supposed to act as a prosecutor in a criminal case. It oversteps the role of a judge, to being that of a mediator like a referee in a football game, to being that of an interpreter of the law and Constitutional legalize, to resolve a dispute between multiple parties in a case or legal controversy. A court of law is supposed to interpret the laws and decide how it applies to each and every circumstance brought before the Court. The role of a judge is not to overstep boundaries and become a defense attorney or prosecutor in the very case he/she is assigned as an impartial judicial officer.

In the case involving the Honorable Thomas David Schroeder, chief Judge of the United States District Court for the Middle District of North Carolina, he has acted outside of jurisdiction and pursued punishments over fraudulent evidence or legal pretenses. **Brian David Hill is being held hostage to an unlawful and unconstitutional jurisdictional defects and unlawful judgments based upon fraud or shaky jurisdiction.** The whole entire case has constitutional errors, legal errors. It may be little errors but many little errors that were never corrected or addressed ever throughout the criminal case becomes a shaky foundation based upon termites and rot. Again, a house with rot and termites at the very foundation may last some years but eventually will collapse on its own and may cause injuries to anyone living in those conditions. The fraud should have been addressed since day one when the allegations had come out. Any reasonable judge in normal course would have immediately or shortly demanded a hearing and would have questioned the allegations from the complainant, especially if they were ever proven with any evidence at all. If allegations of fraud are uncontested, they should have been addressed at a hearing and the Judge should have hammered those who engaged in fraud for wasting the Court's time and resources caused over the fraud. When a Court does not address any of these issues, the whole foundation of the United States District Court in North Carolina becomes warped and founded on termites and rot. The Courthouse appears to be solid but will collapse on the very rot and termites that has plagued the Court with fraud and shaky foundations. I am using the rot and termites analogy here, the Courthouse doesn't literally have a termite problem but symbolically it has no more credibility and has no more validity in its decisions when its decisions are based on meritless claims by the plaintiff or any party which received such favorable judgments. Thomas David Schroeder always rules in favor of the Government one way or another, the Government cannot always be right as that may be theoretically impossible. The Government wants judgments of revocation and successful probation violation, and they got those judgments. They wanted a criminal conviction and they got that judgment in their favor. Brian's a registered sex offender based upon what???? A false confession caused by Autism and coercion and a questionable forensic report that has no affidavit at all which such

affidavit could have been used to prove that Brian David Hill did the crime that would have warranted conviction or judgment against him. It is a forensic report based upon shaky evidence, the prosecution knows it, and does it even follow the normal forensic procedures???? There are plenty of witnesses Roberta Hill, Stella Forinash, Kenneth Forinash (USAF) and Attorney Susan Basko. There plenty of witnesses, there is the forensic report and the discovery evidence materials that can be used against the Government favorable to the defense but the court appointed lawyers Eric David Placke and John Scott Coalter both bought into the fraud as they didn't have the time allotted to them to thoroughly investigate the fraud and just pushed the fraudulent conviction based upon a fraudulent plea agreement.

The Honorable Justice Clarence Thomas, it wasn't just Brett Kavanaugh who had been given false sexual allegations against him, but you also were given false sexual allegations against you for a political goal of ruining your character so that you would never be appointed to serve as an associate Justice of this Honorable Supreme Court of these United States. Either to ruin your character or to compromise and blackmail you into becoming a Puppet to a Puppet Master making decisions based upon any potential threats you could receive from the Puppet Master who makes such false sex allegations like the Deep State Swamp. You understand how false sex allegations can ruin your life and ruin any-person's lives with stigmatization and shame. Brian has been given enough shame and stigmatization over this very case of the very charge that he is innocent of, he is innocent your honor. Fraud upon the court by the prosecution in a criminal case is actual innocence as the case never should have been prosecuted when founded on fraud and lies, like a house with termites and rot at the very foundation.

There is no other relief that can be sought and obtained because the Court of Appeals in the Fourth Circuit continues throwing out his pro se appeals filed by Brian David Hill, the Supreme Court is Brian David

Hill's only option other than a full pardon from President Donald John Trump. The fraud is so bad, the foundation of Brian's conviction is shaky and jurisdictionally flawed, it is a want of jurisdiction and a unconstitutional usurpation of power, a deprivation of due process from top to bottom. There was no jurisdiction for the District Court to have gone as far as it had. It is a multitude of a jurisdictional defects from hell. Brian David Hill had been through hell in a due process deprivation with repeated injury, fear, emotional heartache, and terror. Where lies become truth and truth becomes lies. Where forensic experts are not allowed in favor of a criminal defendant because it may prove the frauds and end the frauds. It is fraud upon fraud upon fraud. Fraud here, fraud there, which should never have been allowed by any legitimate Article III federal court. Brian's only solution is an absolute full pardon from the President or that this Court do the right thing and undo the damage and jurisdictional maze of due process deprivation and fraud. If this Court cannot and will not grant relief, a pardon is what is left and a broken non-credible United States Courthouse with shaky and fraudulent grounds filled with elemental termites and rot, rot of fraud and lack of solid evidence, lack of solid case law, and a lack of solid sound judgments.

I admit I am not a lawyer, I have never tried to pass the BAR exam because I am wrongfully a felon in this case so I cannot become a lawyer. However I make pretty good darn arguments for such a non-lawyer to make pretty credible and sensible legal arguments. I hope you and the other Justices in this court consider my arguments and claims to be pretty much valid and have merit. I hope that there is a thorough investigation into this criminal case, and that cannot happen without granting Writ of Certiorari. The merits have been proven but the merits cannot be tested without granting the Writ of Certiorari. The time has long enough passed for one injustice after another against Brian David Hill. There needs to be relief as soon as possible, there needs to be many corrections to the many miscarriages of justice that has gone without resolution.

CONCLUSION to the Honorable Justice Clarence Thomas:

The only relief that can ever be made available to undo the repeated abuses, frauds, and miscarriages of justice is granting of the Writ of Certiorari by Brian David Hill in this case.

You can at least vote to approve giving my Petition a second look. This Court has the inherit right and authority to conduct an investigation or inquiry and review over my Petition's merits and my claims of Fraud upon the Court, let the evidence tell the story not the lying Government attorneys, and then decide whether to grant Writ of Certiorari and end this fraudulent nightmare I have lived every single day of my life since 2014. Every day I have had to live my life in fear, in PTSD, and being afraid that more lies will be told against me in Federal Court and I will get punished or ignored for even responding to them or even countering the lies and fighting against it. I am afraid that my probation can be revoked at anytime based upon more lies and ignorance of higher court case law. They do not want me to be acquitted no matter what evidence I've got. They want to get rid of me by fiat.

Please help me Justice Clarence Thomas, please vote in favor of Writ of Certiorari and please ask the other Justices in this Honorable Supreme Court of these United States to consider voting in favor of granting Writ of Certiorari. This letter is not ex parte as copies are distributed to the Respondents via attached Affidavit of Service, so feel free to talk with the other Justices during the conference about the arguments and issues in this letter as well as the letter I had mailed to Justice Brett Kavanaugh in July, 2020. Feel free to ask the Solicitor General to explain all of the issues I have brought up in this case. Please I beg of you to grant Writ of Certiorari. God bless you.

Evidence citations:

It was already filed in the Record of the Writ of Mandamus that there were multiple motions for Sanctions asking the Court to vacate fraudulent begotten judgments. The judge acts upon all other motions whether pro se or not, but yet refuses or fails to act upon the three Sanctions motions:

Doc. #199: MOTION entitled "Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor" "Motion and Brief/Memorandum of Law in Support of Requesting the Honorable

Court in this case Vacate Fraudulent Begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 10/25/2019. (Attachments: # 1 Supplement 1, # 2 Supplement 2, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Envelope - Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 10/04/2019)

Status: Motion still not acted upon, no decision rendered. Uncontested by AUSA Ramaswamy on the record in the District Court.

Doc. #206: MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Supplement 1, # 4 Supplement 2, # 5 Supplement 3, # 6 Supplement 4, # 7 Envelope - Front and Back) (Garland, Leah) (Entered: 10/16/2019)

Status: Motion still not acted upon, no decision rendered. Uncontested by AUSA Ramaswamy on the record in the District Court.

Doc. #222: MOTION entitled "Petitioner's third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in Plaintiff/Respondent's favor" filed by BRIAN DAVID HILL. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Supplement 1, # 12 Envelope - Front and Back) (Garland, Leah) (Entered: 11/21/2019)

Status: Motion still not acted upon, no decision rendered. Uncontested by AUSA Ramaswamy on the record in the District Court.

Doc. #213: Objection by BRIAN DAVID HILL re 210 Recommended Ruling - Magistrate Judge re 168 MOTION filed by BRIAN DAVID HILL, 153 MOTION to Appoint Attorney filed by BRIAN DAVID HILL, 141 MOTION to Dismiss Motion to Vacate, Set Aside, or Correct Sen

(Attachments: # 1 Envelope - Front and Back)(Butler, Carol) (Entered: 11/04/2019)

Status: Uncontested by AUSA Ramaswamy on the record in the District Court. Doc. #211 "Notice of Mailing Recommendation: Objections to R&R due by 11/4/2019. Objections to R&R for Pro Se due by 11/7/2019. (Garland, Leah) (Entered: 10/21/2019)" said that "A party may respond to another party's objections within 14 days after being served with a copy." So AUSA Ramaswamy had the opportunity to address the Fraud upon the Court allegations against him in that as well but did not do so when given 14 days opportunity.

The forensic report said from the discovery material cited: "*from this analysis, the program showed that 454 files had been downloaded with the eMule program between July 20, 2012, and July 28, 2013*". That same laptop was seized on August 28, 2012 according to the search warrant filed pro se back in 2015, which shows possible evidence tampering, evidence planting, or gross negligence of allowing a seized computer to be hacked by a group of computer hackers while supposedly in the secure custody of law enforcement. Definitely smells like a set up to me and my family on its face, prima facie evidence.

Dated the 15th day of September, 2020.

Where We Go One, We Go All, I stand by QAnon and President Donald Trump if he can Drain the Swamp as he had promised he would.

Thank you Honorable Justice Clarence Thomas.

Respectfully,

Brian D. Hill
Signed

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U.S.W.G.O.



I am also sending a copy via successful facsimile transmission to the following Respondents so that this communication is not ex parte:

Certificate of Service:

I HEREBY CERTIFY that on September 14 or 15, 2020, four (4) copies of the LETTER ADDRESSED TO THE HONORABLE JUSTICE CLARENCE THOMAS – Dated September 15, 2020 in the above-captioned case were served, as required by U.S. Supreme Court Rule 29.5, on the following:

1. Solicitor General of the United States

by successful FAX to number: 202-514-9769

Jeffrey B. Wall
Solicitor General
United States Department of Justice
202-514-2217
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

2. Anand Prakash Ramaswamy, Esq.

by successful FAX to number: 336-333-5438

Direct: 336-333-5351

Email: USANCM.ECFCENTRAL@usdoj.gov

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3. Angela Hewlett Miller, Esq.

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4. John Mcrae Alsup, Esq.

by successful FAX to number: 336-333-5438

Jeffrey B. Wall

Solicitor General

United States Department of Justice

202-514-2217

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Service of process was done by FAX Machine. All four are counsel for the party: United States of America. To ensure communication with Justice is not ex parte.

Declaration pursuant to 28 U.S. Code § 1746.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 14/15, 2020.

DATED this 14/15th day of September, 2020.

Respectfully submitted,

Brian D. Hill
Signed

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Poem: Where We Go One, We Go All,
The RATS Panic in DC,
Drain the Swamp,
Bring Liberty and Justice for All,
Restore faith and integrity in our Courts,
Protect the Freedom of Press,
We are all QAnon.

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Certified Mail tracking no. 7019-2280-0000-8213-3479